

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 224 OF 2006
IN
WRIT PETITION NO. 2697 OF 2005

1. Bipin V. Joshi & 3 ors.	] .. Appellants (Ori.Petitioners)
Versus	
1. State of Maharashtra & 2 ors.	] .. Respondents (Ori.Respondents)

Mr. Ramesh Ramamurthy for the appellants.

Mr. R.M. Sawant, Govt. Pleader for respondents No.1-3.

CORAM: R.M. LODHA &
S.A. BOBDE, JJ.

DATED: 29TH AUGUST, 2006

P.C. :

. We are informed by the counsel for appellants that the redevelopment in Pimpal Wadi was subject matter of challenge in Writ Petition No.649 of 2005. The said Writ Petition was disposed of by the Division Bench on 5th May, 2005. The appellants and some other persons challenged the said judgment in Special Leave Petition before the Supreme Court and in the said Special Leave Petition, we are informed that Notice has been issued to the respondents.

2. The present Appeal arises from the order

passed by the learned single Judge on October 13, 2005 in Writ Petition (L) No.2289 of 2005 wherein the present appellants challenged the Notice dated 16th September, 2005.

3. We perused the impugned order and we find no justification to interfere in the said order. It is an admitted case that the Notice dated 16th September, 2005 was issued subsequent to the disposal of the Writ Petition No.649 of 2005 by judgment dated 5th May, 2005. As already noticed above, the judgment dated 5th May, 2005 is under challenge before the Supreme Court.

4. Appeal is accordingly dismissed. However, for a period of six weeks, the appellants shall not be removed from the subject property in view of the undertaking dated 30th June, 2006 given by thirty individual occupants. In the absence of any order of stay by the Supreme Court, on expiry of the period of six weeks, the respondents shall be free to remove the appellants from the subject property.

Sd/-
[R.M. LODHA, J.]

Sd/-
[S.A. BOBDE, J.]